

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Lafayette W. Knotts, #275052,  
aka Lafayette Westly Knotts,

Plaintiff,

vs.

South Carolina Department of  
Corrections; Director Jon Ozmint;  
Case Manager Ms. Hudson; Officer  
C. Johnson; and Officer L. Cook,

Defendants.

Civil Action No. 6:08-814-MBS-WMC

**REPORT OF MAGISTRATE JUDGE**

The plaintiff, a state prisoner proceeding *pro se*, seeks relief pursuant to Title 42, United States Code, Section 1983. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983.

The plaintiff is currently an inmate at the Evans Correctional Institution. In his complaint, he makes allegations concerning exposure to environmental tobacco smoke and an inmate attack upon him at the Allendale Correctional Institution.

On October 8, 2008, the plaintiff filed a "motion of default of the defendants." In the motion, he states that the defendants failed to timely file their answer. According to the court docket, the defendants were served on April 17, 2008. The defendants timely filed their answer on May 7, 2008.<sup>1</sup> Based upon the foregoing, the plaintiff's motion for default should be denied.

IT IS SO ORDERED.

November 21, 2008  
Greenville, South Carolina

s/William M. Catoe  
United States Magistrate Judge

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<sup>1</sup>Pursuant to Rule 12(a)(1)(A)(i), a defendant must serve an answer within 20 days after being served with the summons and complaint.